IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1970
No. _____

ELDON O. HALDANE,

Petitioner,

vs.

DONALD E. RUPPE', JOSEPH W. JARRETT, EDWARD A. DeBUYS, HORACE N. FREEDMAN, WILHELMINA HELEN KING CHAGNON, ROBERT C. LYNCH, ALLEN MILLER, BERNARD S. JEFFERSON, ROSAMOND B. HALDANE, ROGER J. TRAYNOR,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

The petitioner ELDON O. HALDANE respectfully prays that a writ of certiorari issue to review the judgment and opinion of the United States Court of Appeals for the Ninth Circuit entered in this proceeding on November 18, 1970.

OPINIONS BELOW

The opinion of the Court of Appeals, not yet reported, appears in the Appendix hereto, infra, App. 6 - 9 . The opinion of the District Court, Central District of California (Peirson M. Hall, J.) appears in the record (R. 121). Prior void and fraudulently induced opinion of the Ninth Circuit in case #21,567, December 15, 1967, appears at App. 10-11. Initial void and fraudulently induced opinion of the Ninth Circuit appears as Haldane v. Chagnon, et al., 345 F. 2d 601 (1965) and is reproduced, infra, at App. 1 - 5. ALL involve a common question of law and fact (Rule 42 [a], Fed. Civ. Proc.) i. e., the FATALLY defective so-called "petition" (R. 17-22) consisting solely of false hearsay, false statements, false writing, false representations, VOID AB INITIO, INCURABLE, UNCORRECTABLE AND FRAUD UPON THE COURTS, destitute of all Due Process, periling the interests of 206,000,000 persons.

JURISDICTION

The judgment of the Court of Appeals for the Ninth Circuit was entered on November 18, 1970 (App. 6 - 9). Demand for HEARING EN BANC had been timely filed on March 7, 1969, in strict compliance with Rule 35 (a) (1) (2) Fed. Appellate Proc., was arbitrarily disregarded and ignored by the Ninth Circuit Court of Appeals. This petition for certiorari was filed within 90 days of November 18, 1970. This Court's jurisdiction is invoked under 28 USC 1254 (1).

QUESTIONS PRESENTED

Whether VOID (Rule 60 [b], Fed. Civ. Proc.), COUNTERFEIT (18 USC 495) wholly false and fraudulent (18 USC 1001) so-called petition for commitment (R. 17-22) may be dishonestly employed for felony kidnapping and felony false imprisonment of this blameless petitioner HALDANE, absent all due process of law, substantive and procedural, ratified by federal district and appellate courts to SUBVERT THE CONSTITUTION, THE LAWS, AND ALL THE LANDMARK SUPREME COURT DECISIONS ON DUE PROCESS OF LAW, in total defiance of the 4th, 5th, 6th, 8th and 14th Amendments and the Civil Rights Acts cited and quoted (App. 12 et seq.).

CONSTITUTIONAL PROVISIONS INVOLVED

Subversion of the 4th Amendment (R. 6) - FACTS particularized to show that purported affiant TOMLIN had NEVER EVEN SEEN HALDANE IN HIS ENTIRE LIFE, HAD NO KNOWLEDGE, hence committed extrinsic, gratuitous PERJURY (R. 17) for evil purpose.

Subversion of the 5th Amendment in the particulars (Rule 9 [b], Fed. Civ. Proc.) factually alleged (R. 7).

Subversion of the 6th Amendment in particulars alleged, the felony kidnapping and felony false imprisonment having all the earmarks and consequences of a criminal proceeding EXCEPT that said fraudulent so-called petition

No. 188329 (R. 17) itself states NO CRIMINAL OR CIVIL OFFENSE, NO CONTEMPT DIRECT OR INDIRECT, NO SPECIAL PROCEEDING KNOWN TO THE LAW.

Subversion of the 8th Amendment as particularized (R. 7) - the Respondents' fiendish, Hitler-like cruelty and torture bringing the counterpart of Belsen, Buchenwald, Dachau, Treblinka, Auschwicz, Sachenhausen, right into the Ninth Circuit, specifically into Los Angeles County, California.

Subversion of the 14th Amendment by approval and attempted ratification of major Constitutional and statutory FATAL infirmities (R. 9). THESE AMENDMENTS WERE NOT AND ARE NOT IMMUNITY AMENDMENTS. THE FEDERAL SUPREMACY CLAUSE (ART. VI) MEANS EXACTLY WHAT IT SAYS.

STATUTORY PROVISIONS INVOLVED

42 USC 1983, 1985, and 18 USC 241, 242, 371, 495, 1001, 2383, (App. 12) have all been subverted, nullified (R. 6). Conduct of all state officials is CRIMINAL (R. 17-22), without JURISDICTION of SUBJECT MATTER OR PERSON, constituting brutal injustice and ANARCHY - continuing offenses to this day against the person of petitioner HALDANE, his family including three minor sons, and EVERY PERSON IN THIS REPUBLIC, including good and honorable judges dedicated to home, family, country and our judicial system which has suffered a PEARL HARBOR type attack and now lies in RUINS, within the Ninth Circuit, POPULATION 30,194,411

(1970) as against the D. C. population of 756,510 (1970) affected by the tragic case of Lynch v. Overholser, 369 U.S. 705, 711-712. See PSYCHIATRIC JUSTICE, Macmillan 1965, by Thomas S. Szasz, M.D., p. 226, et seq., where Lt. Col. Frederick Lynch DESTROYED HIMSELF BY SUICIDE THREE MONTHS AFTER the Supreme Court had held him to be illegally committed and imprisoned; and p. 178, et seq., the ghastly case of Maj. Gen. Edwin A. Walker, USA, both constituting a BLOT ON OUR CIVILIZATION AND JURISPRUDENCE, a lasting stain on the administration of justice, as are all (100%) of the HALDANE cases (R. 15-16).

STATEMENT OF THE CASE

Felony kidnapping, felony false imprisonment of this wholly blameless petitioner HALDANE on March 8, 1961, in the clear absence of all jurisdiction of subject matter and person (R. 2, 3), absent even one scintilla of DUE PROCESS OF LAW or probable cause (R. 20, 21); no compliance with MANDATORY STATUTE (R. 17-23) nor with the 4th, 5th, 6th, 8th and 14th Amendments to the Constitution itself (R. 4, 6, 7, 8, 9, 10) absent even one molecule of Due Process or probable cause, in STAR CHAMBER PROCEEDINGS (R. 6) reminiscent of the gross excesses of the common law of England. The COURT OF STAR CHAMBER was thought to have been abolished in 1641. Not so; it exists today, headquartered at 111 N. Hill St., Los Angeles, U.S. BRANCH at 312 N. Spring St., Los Angeles, presided over by Peirson Hall, J., who conducts the judicial business of the United States in the dark, ex parte, without notice or hearing (R. 34-38)

and by so-called MEMORANDUM informed the Respondents that this petitioner HALDANE'S claims for violation of Civil Rights would be brushed off, given the "fast shuffle" and the Constitution denigrated to a scrap of parchment. Cf. Re Oliver, 333 U.S. 257, 266. Also United States v. Ohio Power Co., 353 U.S. 98 and Cahill v. N.Y., etc. R., 351 U.S. 183, Gondeck v. Pan American (1965), 382 U.S. 25, 29. We are dealing with VOID, FRAUDULENTLY PROCURED JUDGMENTS, (BY REPEATED FRAUDS ON THE COURTS) amounting to TREASON TO THE CONSTITUTION in the words of the late great John Marshall, C.J. Cohens v. Virginia, 6 Wheat. 264, 404, 5 L. Ed. 291. The Constitution HAS BEEN DESTROYED in all the HALDANE cases. DUE PROCESS OF LAW now lies GROUND TO DEATH in state and federal courts within the Ninth Circuit, the authority and jurisdiction of the SUPREME COURT nullified by the local Hitlers, Himmlers and Stalins ON THE BENCH, AT THE BAR (R. 17-22). PERJURY AND SUBORNATION OF PERJURY (R. 23-25) by state judges now constitutes Due Process; extermination of the Family by falsehood and fraud, personal and official dishonesty, EMASCULATES the authority of the SUPREME COURT and the HALDANE cases are in the same category with Lynch v. Overholser, supra, 369 U.S. 705, 711-712, and the disgraceful case of the West Pointer, Maj. Gen. Edwin A. Walker, heretofore alluded to. Felony, Tyranny and Treason in the Ninth Circuit demand that the supervisory power of this Court be invoked to save our viable written Constitution -- the one remaining on this earth, and the very existence of this Republic.

REASONS FOR GRANTING THE WRIT

30,194,411 (1970) persons (population of the 9th Cir.) as against 756,510 (1970) in the District of Columbia, now find that their Constitution is superseded by the purported COMMON LAW OF ENGLAND in the 9th Circuit; that the admitted extrinsic PERJURY of Tomlin, BAILIFF, suborned and commanded by felon state judge MILLER (R. 17, 23-25), controls Constitution and subverts all Landmark SUPREME COURT DECISIONS.

That the fraudulently induced, void (Rule 60 [b], Fed. Civ. Proc.) decisions below beginning with 345 F. 2d 601 (1965) (App. 1-5) by the Ninth Circuit Court of Appeals are in DIRECT and FATAL conflict with Lynch v. Overholser, 369 U.S. 705, 711-712, Jillson v. Caprio, 181 F. 2d 523, 524 (D.C. Cir.), Warner v. State, 297 N.Y. 395, 79 N.E. 2d 459, 463-464, In re Raner, 59 Cal. 2d 635, 639, 381 P. 2d 638, Maben v. Rankin, 55 Cal. 2d 139 (6), 358 P. 2d 681 (violation of MANDATORY STATUTE); Manning v. Ketcham, 58 F. 2d 948 (6th Cir. 1932) (CLEAR ABSENCE OF ALL JURIDSDICTION); In re Los Angeles County Pioneer Society, 217 F. 2d 190, 194 (9th Cir.) citing, correctly, two CONTROLLING Supreme Court decisions; Nueslein v. United States, 115 F. 2d 690 (D.C. Cir.) describing our Constitution as organic, generic law of the Republic and not rules of procedure; Bradley v. Fisher, 13 Wall. 335, 351-352; New York Times v. Sullivan, 376 U.S. 254, 265; Ex Parte Virginia, 100 U.S. 339, 346-347; Hazel-Atlas Glass Co. v. Hartford, 322 U.S. 238, 246; England v. Doyle (9th Cir. 1960), 281 F. 2d 304, 309 (7); Armstrong v. Manzo, 380 U.S.

545, Cooper v. Aaron, 358 U.S. 1, 18-19, Neves v. Costa (1907), 5 Cal.App. 111, 89 P. 860, Root Refg. Co. v. Universal Oil Products, 169 F. 2d 514, 541, Union Pac. R. Co. v. Botsford, 141 U.S. 250, 251.

All of us, beginning with the PRESIDENT, are bound by Constitution and statute. Youngstown Sheet & Tube v. Sawyer, 343 U.S. 579. ENGLISH COMMON LAW SO-CALLED IMMUNITY TO GUT OUR CONSTITUTION DID NOT, DOES NOT, AND CANNOT BY THE VERY NATURE OF THINGS, HAVE ANY VALIDITY. Such nonsense should be permanently laid to rest.

Those who disagree with the constitutional imperatives are nonetheless BOUND -- otherwise Government by law could not exist. With the approval of PERJURED, COUNTERFEIT, FALSE HEARSAY RUBBISH in the 9th Circuit, GOVERNMENT BY LAW HAS CEASED TO EXIST; felony and ANARCHY have taken over. There is no possible mistake.

Petitioner HALDANE, admitted to the bar in June 1929, with extensive trial and some judicial experience in Central Europe (War Crimes, Military Government), is nonetheless not skilled in SUPREME COURT PRACTICE, requests appointment of able counsel to be compensated pursuant to Sprague v. Ticonic Natl. Bank, 307 U.S. 161, 167, and United States v. Madden, 352 F. 2d 792 (1) (9th Cir.), suggests attorneys familiar with the Landmark case of Lynch v. Overholser, 369 U.S. 705, 711-712, who have the Court's trust and confidence, such as Francis Shea, Esq. if available. Petitioner has been driven to insolvency by the felon respondents, and proper compensation for his

attorneys has been held to be part of the damages.

CONCLUSION

For these reasons, a writ of certiorari should issue to review the judgment of the Ninth Circuit.

Respectfully submitted,

ELDON O. HALDANE

Attorney at Law pro se

HALDANE v. CHAGNON

Cite as 345 F.2d 601 (1965)

Eldon O. HALDANE, Appellant,

v.

Wilhelmina Helen King CHAGNON, Horace N. Freedman, Lloyd S. Nix, Allen Miller, Wilfred H. Tomlin, Appellees.

No. 19370.

United States Court of Appeals
Ninth Circuit.

May 5, 1965.

Rehearing Denied June 3, 1965.

Action by litigant against judges, attorney and bailiff for damages under Civil Rights Act. The United States District Court for the Southern District of California, Central Division, Charles H. Carr, J., entered an order dismissing action and the litigant appealed. The Court of Appeals, Ely, Circuit Judge, held that the two judges, and the bailiff who had acted at direction of one judge in signing petition, were immune from liability for acts in initiating and authorizing detention proceedings, and attorneys in divorce action who were consulted by the judge who initiated proceedings were not liable since they had not acted in conspiracy with a state officer against whom litigant could state a valid claim.

Affirmed.

1. Courts ⇐405(14.7)

If order of dismissal of suit had run in favor of two of the five defendants only, leaving matter pending as to three other defendants, appeal from order would have been premature.

2. Courts ⇐405(3.9)

Since alleged cause of action was dismissed in favor of all the five defendants, thus having effect of terminating litigation in court below, order of dismissal was appealable.

3. Federal Civil Procedure ⇐1773

Complaint is not subject to dismissal on ground that there is failure to state a claim upon which relief can be granted unless it appears beyond doubt that plaintiff can prove no set of facts in support of his claim which would entitle him to relief.

4. Civil Rights ⇐1

Only elements which need be present to establish claim for damages under Civil Rights Act are that the conduct complained of was engaged in under color of state law and that the conduct subjected plaintiff to deprivation of rights, privileges, or immunities secured by Federal Constitution. 42 U.S.C.A. §§ 1981–1988.

5. Judges ⇐36

Judges are immune from civil liability for acts done in the course of their official actions.

6. Civil Rights ⇐13

Doctrine of judicial immunity from civil liability for acts done in course of official functions is operative in acts grounded on Civil Rights Act. 42 U.S.C.A. §§ 1981–1988.

7. Judges ⇐36

Judge acting in his capacity as a private citizen and divorcing himself from his judicial duties may cast aside his cloak of immunity.

8. Civil Rights ⇐13

Judge who was hearing divorce action and initiated steps for husband's detention under California statutes for observation as to mental health and judge who granted authority for the detention and observation under court supervision were immune from any alleged liability to husband under Civil Rights Act in husband's suit, as was court bailiff who had acted at direction of judge in preparing and signing necessary petition. 42 U.S.C.A. §§ 1981–1988; West's Ann. Cal.Welfare & Inst.Code, §§ 5047–5049.

9. Civil Rights ⇐3

Attorneys who appeared in divorce action and who were consulted by judge who then initiated proceedings to detain husband for observation as to his mental health had not acted in conspiracy with state officer against whom husband could state a valid claim and had not committed any wrongful acts which would subject them to liability under Civil Rights Act. 42 U.S.C.A. §§ 1981–1988; West's

Ann.Cal.Welfare & Inst.Code, §§ 5047–5049.

Eldon O. Haldane, Los Angeles, Cal., in pro. per.

Joseph W. Jarrett, Los Angeles, Cal., for appellee, Chagnon.

Donald E. Ruppe, Crider, Tilson & Ruppe, Los Angeles, Cal., for appellee, Freedman.

Before MERRILL, DUNIWAY and ELY, Circuit Judges.

ELY, Circuit Judge:

This appeal is from an Order of Dismissal. Appellant, plaintiff below, sought damages in excess of ten million dollars from two licensed California attorneys, two judges of the Superior Court of California, and the bailiff of one of the judges. He attempted to ground his action upon the Civil Rights Act, 42 U.S.C. §§ 1981–1988, and in one paragraph of his complaint alleged, in effect, and in general terms, that the five defendants illegally and maliciously conspired to deprive him of various constitutional rights. From other portions of the complaint and from several documents attached thereto as an exhibit and wholly "incorporated by reference," we gain more detailed information as to circumstances giving rise to the action.

It appears that appellant was a party to a divorce action in the state court, representing himself in propria persona. During the trial of this suit before one of the defendant judges, Nix, the conduct of appellant caused the judge to confer with the two defendant-appellee attorneys and, shortly thereafter, to direct his defendant bailiff to complete and file a printed form of petition which, under California law,[1] prayed, with respect to plaintiff-appellant, "that examination be made to determine the state of mental health of said person alleged to be mentally ill, and that such measures be taken for the best interest and protection of said person, in respect to supervision, care or treatment, as may be necessary and provided by law." The petition was presented to the second defendant judge, one Miller, who was regularly assigned for the judicial supervision of such matters. Judge Miller promptly signed a so-called "Order For Detention" which called for appellant's detention and examination and which resulted, forthwith, in appellant's being taken into custody and hospitalized. The order also designated two physicians to observe appellant and make report as to whether or not his condition did, in their opinion, require continued detention and treatment.

The appointed physicians reported that the appellant was in no such need, so that approximately two days after he was taken into custody, he was released.[2]

Following service upon the defendant attorneys, they moved to dismiss the purported cause of action as against them, and following a hearing, the trial court entered an Order of Dismissal as to all five defendants. There was no appearance by the defendant judges and defendant bailiff, and the record before us does not reveal whether or not they have ever been served.

[1, 2] Had the Order of Dismissal run in favor of the two appearing defendants only, leaving the matter pending as to other defendants, the present appeal would have been premature. Richardson v. United States, 336 F.2d 265 (9th Cir. 1964), Miles v. City of Chandler, 297 F.2d 690 (9th Cir. 1961). Since the al

1. California Welfare and Institutions Code, Secs. 5047, 5048, 5049.

2. While both physicians expressed their medical opinions that the condition of appellant's mental health was not such as to require treatment under continued hospital confinement, both of them noted observations as to appellant's abnormality. One of the reports read, in part, "Has severe hypertension. * * * Judgment is quite defective. Insight poor." The report of the other physician mentions a "stroke" suffered by appellant in 1959 and continues "This man presents symptoms physically & mentally which are in conformity to a C.V.A. Undoubtedly there has been some irritability & loss of judgment, * * *."

leged cause of action was dismissed in favor of all defendants, thus having the effect of terminating the litigation in the court below, the Order of Dismissal is appealable.

[3, 4] We believe, also, that the Order of Dismissal was properly made. In reaching this conclusion, we have not overlooked the rule that a complaint is not subject to dismissal on the ground that there is a failure to state a claim upon which relief can be granted "unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Conley v. Gibson, 1957, 355 U.S. 41, 45–46, 78 S.Ct. 99, 101–102, 2 L.Ed. 2d 80, York v. Story, 321 F.2d 450, 453 (9th Cir. 1963), Marshall v. Sawyer, 301 F.2d 639, 647 (9th Cir. 1962), Cohen v. Norris, 300 F.2d 24, 31 (9th Cir. 1962). We are also mindful of the fact that our court has said, "The only elements which need to be present in order to establish a claim for damages under the Civil Rights Act are that the conduct complained of was engaged in under color of state law, and that such conduct subjected the plaintiff to the deprivation of rights, privileges, or immunities secured by the Constitution of the United States." Marshall v. Sawyer, supra, 301 F.2d at 646.

Such a general expression may properly follow the broad sweep of language which constitutes the Civil Rights Act; however, it cannot be literally applied to the exclusion of restrictive rules and precedents of equal force. Certain restrictive rules, serving to modify the broad general rule as to required allegations of the elements necessary to state a claim under the Civil Rights Act, have been announced by this court. See Hoffman v. Halden, 268 F.2d 280 (9th Cir. 1959), Agnew v. City of Compton, 239 F.2d 226 (9th Cir. 1956), Cohen v. Norris, supra.

[5, 6] Applying the principles of the last cited cases to the appellant's complaint, we see that the dismissal would have been improper had it been based solely upon the allegations of the complaint itself, considered separate and apart from the facts which were disclosed by the attached exhibit and, by the appellant himself, "incorporated by reference" into his allegations. In our view, these specifically alleged and documented facts bring the plaintiff-appellant to an insurmountable barrier, namely, the time honored rule of judicial immunity, a rule which is indispensable to the free and fearless administration of justice. Judges are immune from civil liability for acts done in the course of their official functions, and we have held that the doctrine, so firmly and deeply planted in the field of Anglo-American law, is operative in actions grounded upon the Civil Rights Act. Sires v. Cole, 320 F.2d 877 (9th Cir. 1963), Harmon v. Superior Court of State of California, 329 F.2d 154 (9th Cir. 1964), Agnew v. Moody, 330 F.2d 868 (9th Cir. 1964), Harvey v. Sadler, 331 F.2d 387 (9th Cir. 1964). Our view is firmly supported by persuasive, if not controlling, precedent, it having been held that the Civil Rights Act did not abolish a *legislator's* immunity from civil liability for acts done by him in the field where legislators traditionally have power to act. Tenney v. Brandhove, 1951, 341 U.S. 367, 71 S.Ct. 783, 95 L.Ed. 1019. The principle is demanded by every reasonable consideration of public policy and has long endured. In Yates v. Lansing, 1810, 5 Johns, N.Y. 282, Chief Justice Kent, tracing the doctrine and finding that its origin could be seen at least as early as the time of Edward III, had this to say, "It is to be found in the earliest judicial records, and it has been steadily maintained by an undisturbed current of decisions in the *English* courts, amidst every change of policy, and through every revolution of their government. A short view of the cases will teach us to admire the wisdom of our forefathers, and to revere a principle on which rests the independence of the administration of justice." The Congress has not said that in civil rights cases there may be intrusion upon the rule, and again quoting the learned Chief Justice Kent, "Ought such a sacred prin-

ciple of the common law, as the one we have been considering, to be subverted, without an express declaration to that effect?"

The Supreme Court of the United States has never retreated from early recognition of the compelling need of the doctrine. It held, in Bradley v. Fisher, 1871, 13 Wall. 335, 20 L.Ed. 646, that the principle of judicial immunity could not be undermined even by allegations that a judge's actions were motivated by corruption, malice, or other improper considerations. It said "If upon such allegations a judge could be compelled to answer in a civil action for his judicial acts, * * * his office [would] be degraded and his usefulness destroyed, * * *"

[7, 8] As the authorities suggest, a judge, acting in his capacity as a private citizen and divorcing himself from his judicial duties, may cast aside his cloak of immunity. The only remaining problem, therefore, with respect to the defendant judges in the case at bar, is related to consideration of whether or not doing the acts for which they are sought to be held responsible in damages, they were acting within the course and scope of their judicial duties. As to the defendant Miller, there is no doubt that he performed, with exactness and promptness and with the utmost protection to plaintiff-appellant, the sole judicial duty with which he was charged as judge of the particular court assigned the responsibility of administering the California law which granted authority for detention and observation under court supervision. We believe, also, that the defendant Nix acted within reasonable limits of the scope of his judicial responsibility. It is true that at the time he initiated the steps which brought about the detention, he was conducting litigation which involved divorce and not lunacy. Nevertheless, it is clear that his actions stemmed directly from the performance of his judicial duties. Subjected to conduct on the part of plaintiff-appellant which, if pursued, might possibly have led to the loss of courtroom decorum and the creation of intolerable disorder, what courses were available? Should the court have adjourned the proceedings or terminated them midway with consequent impairment and obstruction of the course of justice? Should the judge have punished the plaintiff-appellant summarily for direct contempt and ordered that he be jailed? Had he taken such drastic action with proper procedure, the plaintiff-appellant would have been forced to suffer the indignity of a contemnor without possibility of redress in money damages from the judge. Should the judge be made to suffer because he resorted to the more humane and compassionate choice which he took, that of bringing a possibly sick litigant to the immediate attention of competent physicians? We think not.

The defendant bailiff acted at the direction of the judge to whom he was immediately and directly responsible. In so doing, he was a part of the body of the court itself. In Hoffman v. Halden, supra, we held that a jailer or keeper was not liable under the Civil Rights Act for "performing a duty which the law at that time required him to perform." A court's bailiff is required by law to preserve order in the courtroom, to protect the court, and to comply with directions given him by the judge during the course of judicial proceedings. It is alleged that the defendant bailiff here, in signing the petition which alleged the bailiff's belief that appellant was in need of medical care, did so at the express direction of the judge whose arm and agent he then was. In the light of our decision that there can be no valid claim against the judge, the bailiff is entitled to the protection of the judicial immunity which surrounded the whole court.

[9] With the elimination of the defendant judges and bailiff from the case, claims against the defendant attorneys under the Civil Rights Act cannot be stated. The attorneys were not State officers, and they did not act in conspiracy with a State officer against whom appellant could state a valid claim. It follows that they did not, and could not, commit

the alleged wrongful acts "under color of state law or authority"; hence, they are not subject to liability under the Civil Rights Act. Bottone v. Lindsley, 170 F.2d 705 (10th Cir. 1948), Skolnick v. Martin, 317 F.2d 855 (7th Cir. 1963), Skolnick v. Spolar, 317 F.2d 857 (7th Cir. 1963), Swift v. Fourth National Bank of Columbus, Georgia, 205 F.Supp. 563 (D.C.M.D.Ga.1962). See also, Hoffman v. Halden, supra.

Affirmed.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ELDON O. HALDANE,

Appellant,

v.

DONALD RUPPE, et al.,

Appellees.

No. 23,795

[November 18, 1970]

Appeal from the United States District Court
for the Central District of California

Before: BARNES, HUFSTEDLER and TRASK, Circuit Judges.

PER CURIAM:

Appellant sought below to declare fraudulent certain State Court decisions, and District and Circuit holdings; and to seek $24,000,000 in damages from certain defendants.[1]

The litigation in the State of California arose out of a petition to declare appellant mentally ill filed in 1961. (Ex. A, attached to Complaint–C.T. p. 17). The appellant was found not mentally ill, and the petition dismissed. (Ex. A, attached to Complaint, C.T. p. 22).

He then sought damages unsuccessfully in the State Courts, claiming a violation of his Civil Rights.

This is the fifth case filed in the Federal Courts by plaintiff for the alleged violation of his civil rights. In dismissing it, Judge Pierson Hall in the District Court wrote:

[1]The number of defendants and appellees in this case varies in headings of the different documents. In the complaint in the District Court, 15 defendants were named; 14 defendants moved to dismiss; 10 defendants are named by appellant in his brief on appeal, 10 defendants are named by appellants Ruppe, et al., and 15 defendants are named in the County Counsel's brief.

"The first case is No. 64-293-CC. The Complaint, filed March 5, 1964, named as parties Chagnon and Freedman, each of whom was an attorney at law, Judge Lloyd S. Nix, and Judge Allen Miller of the Superior Court of the County of Los Angeles, and Wilfred H. Tomlin, Bailiff for Judge Nix. Process was issued and served upon all defendants. Chagnon and Freedman filed motions to dismiss which, after hearing, were granted in a judgment by Judge Carr, who also dismissed the action against the remaining defendants because of immunity from liability. An appeal was taken, and the judgment of dismissal was affirmed, 345 F.2d 601.

"The second case No. 65-1280-TC, was filed August 24, 1965, by the same plaintiff alleging violation of civil rights, and named as a defendant only one Albert D. Matthews, a Court Commissioner of the Superior Court of the State of California. Summons was issued and served on the defendant Matthews, who appeared through the County Counsel with a motion for summary judgment, which was granted by Judge Clarke on October 5, 1965, and no appeal was taken.

"The third case, No. 66-139-PH-AH, was filed January 24, 1966, and again named Chagnon, Freedman and Tomlin and Matthews (who had been named in the first case, No. 64-293-CC), and in addition named Leonard S. Sands and Gordon Thompson, Jr., Chagnon, Freedman, Sands and Thompson as lawyers, Matthews as Commissioner, and Tomlin as Bailiff, who had in their various capacities come in contact with the plaintiff on incompetency litigation in the Los Angeles Superior Court. Here again process was issued and served by the Marshal. The parties appeared by motion to dismiss. The matter was heard and Judge Hauk of this Court entered a judgment of dismissal on December 7, 1966, from which the plaintiff appealed. The judgment of dismissal was affirmed, F.2d , *cert. den.* 390 U.S. 981."

Much of this case has thus been before this Court of Appeals. In *Haldane* v. *Chagnon* (No. 19370), 345 F.2d 601 (1965), we held that defendants Allen Miller and then defendant Lloyd Nix, each Superior Court Judges, had judicial immunity for their acts done in the performance of their judicial duties. We held also that Bailiff Wilfred H. Tomlin, acting at the direction of a judge performing a

lawful act, was also entitled to judicial immunity. We likewise held also that defendants Chagnon and Freedman, lawyers, while not being state officers, had immunity because there were no state officers remaining in the case as conspirators; and therefore, the attorneys could not be conspirators with them as charged.

Our holding in No. 19370 is the law of the case, and binding upon this panel. We so held in a percuriam opinion, No. 21567, decided December 20, 1967; and *certiorari* was denied by the Supreme Court of the United States, 390 U.S. 981, No. 1073.

Subsequently, appellant filed the present four count action, in which Judge Miller is named as a defendant, but not Judge Nix; lawyers Chagnon and Freedman are named; seven defendants are named "for preventive relief only." (Count One, third paragraph). They are United States Attorney Matt Byrne; Rosamond B. Haldane (defendant's wife); the Hon. Chas. H. Carr, U.S. District Judge, the Hon. Walter Ely, Circuit Court of Appeals Judge; the Hon. Roger J. Traynor, former Chief Justice of the Supreme Court of the State of California; the Hon. Conrad J. Moss (then a Judge of the State Superior Court, now deceased); and the Hon. Abe Fortas, formerly an Associate Justice of the Supreme Court of the United States. No cause of action is specifically stated against those defendants named "for preventive relief only."

Also joined as defendants were attorneys Ruppe and Jarrett (who represented defendants in the California State Court, and before Judge Carr) in the proceedings affirmed by this Court in our No. 19370 (345 F.2d 601 (1965)); in which Judge Carr had granted defendant's Motion to Dismiss the Complaint. The general language of the instant case states this District Court Judgment constitutes a fraudulently induced order, though no specific facts are alleged. We, of course, have held to the contrary in 345 F.2d 601 (1965), and we repeat for the second time that that opinion represents the law of the case.

Count Two realleges all of Count One, and adds that in the District Court case No. 66-139 before the Honorable A. Andrew Hauk, the defendants Chagnon, Freedman, Jarrett and DeBuys conspired to deprive plaintiff of his civil rights.

> ". . . leading up to the fraudulently procured judgment dated December 7, 1966", which on appeal "was affirmed on the authority of the void and fraudulently procured judgment in No.

> 19370 reported at 345 F.2d 601, obtained by aggravated intentional fraud upon the United States Court of Appeals, Judges Ely, Merrill and Duniway, and the entire judiciary."

Appellant then in Count Two "demands" that this Court "recall its mandate in Nos. 19370 and 21567, purge itself and the District Court of all fraudulently procured judgments," grant relief, "including attorneys' fees and $1,000,000 as general damages."

Appellant in Count Three incorporates all the foregoing and sues for an additional $1,000,000 damages against lawyers Chagnon and Freedman, Assistant County Counsel Robert C. Lynch and Honorable Allen Miller, and Bailiff Tomlin for conspiring to defeat, in the State Courts, appellant's unsuccessful suit for false imprisonment (No. 790,809 in the Superior Court of Los Angeles County). In these proceedings, the Honorable Conrad J. Moss decided a motion to dismiss made on behalf of Tomlin, granting a dismissal, which in turn accounts for his presence here as a defendant.

In Count Four, appellant realleges all of Counts One, Two, and Three, and charges that the remaining defendants in No. 790,809 were tried before the Honorable Bernard S. Jefferson and a jury; that defendants Chagnon and Freedman were represented by attorneys Jarrett and DeBuys; that the Honorable Bernard S. Jefferson "corruptly" dismissed the false imprisonment charges, and directed a verdict for defendants.

Thereafter, various defendants moved to dismiss plaintiff's complaint, and this was granted "for the reasons and on the grounds and authorities set forth in their respective motions."

It would produce nothing of a precedential value to recite those grounds herein.

The Judgment of the District Court is *Affirmed*, dismissing the appellant's complaint as to defendants: Ruppe, DeBuys, Freedman, Traynor, Jarrett, Chagnon, Moss, Jefferson, Miller, Lynch, Byrne, Fortas, Ely and Carr.

The defendant Rosamond B. Haldane, one time wife of appellant, is named a defendant as an alleged indispensable party, but "for preventive relief only," whatever that may mean. In the interests of justice, the complaint is likewise dismissed as to her.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ELDON O. HALDANE, Appellant

v. No. 21,567

WILHELMINA HELEN KING GHAGNON et al

Appellees

Appeal from the United States District Court for the Central District of California

Before: CHAMBERS and BROWNING, Circuit Judges, and MCNICHOLS, District Judge

PER CURIAM:

The district court's order dismissing with prejudice appellant's complaint for damages under the Civil Rights Act, 42 USC 1985 (3) was required by this court's ruling in Haldane v. Chagnon, 345 F. 2d 601 (9th Cir. 1965). That decision binds this panel. The judgment is affirmed.

/s/ James R. Browning
United States Circuit
Judge

Dec. 15, 1967

HALDANE v. CHAGNON

No. 21567

MEMORANDUM TO CLERK LUCK:

All Judges concerned having concurred in the within opinion, the Clerk will please file.

/s/ James R. Browning
Circuit Judge

(Statutory Provisions Cited and Quoted)

TITLE 42 U.S.C.

§ 1983. Civil action for deprivation of rights.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. R.S. §1979.

CIVIL RIGHTS 42 § 1985

Obstructing justice; intimidating party, witness, or juror

(2) If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended

or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

Depriving persons of rights or privileges

(3) If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully

entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. R.S. §1980.

TITLE 42 U.S.C.

§ 1988. Proceedings in Vindication of Civil rights

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and Title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the

provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty. R.S. § 722.

TITLE 18 U.S.C.

§ 241. Conspiracy against rights of citizens

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured --

They shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

§ 242. Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfuly subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

CALIFORNIA
WELFARE & INSTITUTIONS CODE

(Ch. 1, Art. 3, Mentally Ill and Insane Persons)

§5041. "Insane" or variants of term. Wherever in this code the term "insane" or its variants are used, such terms shall be construed to refer to and mean "mentally ill" or its variants, as defined in this article.

§ 5047. Petition for examination of mentally ill person: Who may file: Preparation of petition and forms: Civil and criminal liability. Any person may file in the superior court a verified petition, alleging that there is in the county a person who is mentally ill and

in need of supervision, care, or treatment, and asking that examination be made of the mental health of the person, and that provision be made for the welfare of the person as provided in this chapter.

When no relative, friend, or other person can be found in the county who is able and willing to make and file the petition herein provided, any peace officer, probation officer, physician attending the patient, physician attached to a public hospital or institution, if the person is a patient therein, or public guardian may make and file the petition herein provided. The district attorney or his deputy shall prepare the petition and all other forms required in the proceeding when requested by the party who is to file the petition.

§ 5050.

Section 5050 of the Welfare and Institutions Code provides in relevant part: "If it appears to the judge from a certificate of a licensed physician and surgeon dated not more than three (3) days prior to the presentation of the petition and filed with the court, certifying that he has examined the person and is of the opinion the person is mentally ill, and because of his illness is likely to injure himself or others if not immediately hospitalized or detained, or if it otherwise affirmatively appears that said person is likely to injure himself or others, the judge may issue and deliver to a peace officer or counselor in mental health of the county an order directing that the person be forthwith detained. . . ."

§5050.3. Emergency apprehension: Detention permissible: Contents of application: Period of permissible detention. When any person becomes so mentally ill as to be likely to cause injury to himself or others and to require immediate care, treatment, or restraint, a peace officer, health officer, county physician or assistant county physician, who has reasonable cause to believe that such is the case, may take the person into custody for his best interest and protection and place him as provided in this section. The person believed to be mentally ill may be admitted and detained in the quarters provided in any county hospital or state hospital upon application of the peace officer, health officer, county physician, or assistant county physician. The application shall be in writing and shall state the circumstances under which the person's condition was called to the officer's or physician's attention and shall also state that the officer or physician believes, as a result of his personal observation, that the person is mentally ill and because of his illness is likely to injure himself or others if not immediately hospitalized.

The superintendent or physician in charge of the quarters provided in such county hospital or state hospital may care for and treat the person for a period not to exceed seventy-two (72) hours, excluding Saturdays, Sundays, and holidays. Within that seventy-two (72) hours the person shall be discharged from the institution unless a petition of mental illness is presented to a judge of the superior court and the court issues an order for detention of such person, or unless the person is admitted as a patient under any other provision of law.

§ 2. Principals

(a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.

(b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States is punishable as a principal.

As amended Oct. 31, 1951, c. 655, § 17b, 65 Stat. 717.

§ 3. Accessory after the fact

Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

Except as otherwise expressly provided by any Act of Congress, an accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by death, the accessory shall be imprisoned not more than ten years.

§ 4. Misprision of felony

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined not more than $500 or imprisoned not more than three years, or both.

§ 495. Contracts, deeds, and powers of attorney

Whoever falsely makes, alters, forges, or counterfeits any deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly of indirectly, to obtain or receive from the United States or any officers or agents thereof, any sum of money; or

Whoever utters or publishes as true any such false, forged, altered, or counterfeited writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or

Whoever transmits to, or presents at any office or officer of the United States, any such writing in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited --

Shall be fined not more than $1,000 or imprisoned not more than ten years, or both.

§ 401. Power of court

A court of the United States shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none other, as --

(1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;

(2) Misbehavior of any of its officers in their official transactions;

(3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

§ 2382. Misprision of treason

Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined not more than $1,000 or imprisoned not more than seven years, or both.

§ 2383. Rebellion or insurrection

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined not more than $10,000 or imprisoned

not more than ten years, or both; and shall be incapable of holding any office under the United States.

§ 2384. Seditious conspiracy

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than $20,000 or imprisoned not more than twenty years, or both.

§ 371. Conspiracy to commit offense or to defraud United States

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $10,000 or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

§ 1001. Statements or entries generally

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

U.S. CONSTITUTION

Article VI

[cl. 2] This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Amendment 14
(Adopted July 28, 1868)

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process

of law; nor deny to any person within its jurisdiction the equal protection of the laws.

California Penal Code

§126. Punishment of perjury. Perjury is punishable by imprisonment in the state prison not less than one nor more than fourteen years. [Enacted 1872.]

§127. Subornation of perjury [Defined: Punishment]. Every person who willfully procures another person to commit perjury is guilty of subornation of perjury, and is punishable in the same manner as he would be if personally guilty of the perjury so procured. [Enacted 1872.]

§236. False imprisonment defined. False imprisonment is the unlawful violation of the personal liberty of another. [Enacted 1872.]

§237. [False imprisonment, how punished.] False imprisonment is punishable by fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year, or by both. If such false imprisonment be effected by violence, menace, fraud, or deceit, it shall be punishable by imprisonment in the state prison for not less than one nor more than ten years. [Enacted 1872.]

Rule 10 (c) Adoption by Reference; Exhibits. Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

Rule 60. Relief from Judgement or Order

(a) Clerical Mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any as the court orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending may be so corrected with leave of the appellate court.

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons; (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or

other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment. The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than one year after the judgment, order, or proceeding was entered or taken. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to grant relief to a defendant not actually personally notified as provided in Title 28, U. S. C., §1655, or to set aside a judgment for fraud upon the court. Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review, are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

As amended Dec. 27, 1946, eff. Mar. 19, 1948; Dec. 29, 1948, eff. Oct. 20, 1949.

Rule 42. Consolidation; Separate Trials

(a) Consolidation. When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in

issue in the actions; it may order all the actions consolidated; and it may take such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

(b) Separate Trials. The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conductive to expedition and economy, may order a separate trial of any claim, cross-claim, counterclaim, or third-party claim, or of any separate issue or of any number of claims, cross-claims, counterclaims, third-party claims, or issues, always preserving inviolate the right of trial by jury as declared by the Seventh Amendment to the Constitution or as given by a statute of the United States.

As amended Feb. 28, 1966, eff. July 1, 1966.

CALIF. CODE CIV. PROC.

§1916. Judicial record; impeachment

MANNER OF IMPEACHING A RECORD. Any judicial record may be impeahced by evidence of a want of jurisdiction in the Court or judicial officer, of collusion between the parties, or of fraud in the party offering the record, in respect to the proceedings. (Enacted 1872.)